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Hearings officer rules in favor of disabled Livingston mother

By The Standard Staff - 12/29/2007

BILLINGS (AP) — A hearings officer said state child protective services workers violated the rights of a disabled Livingston woman and retaliated against her when she complained about an investigation into whether she could properly care for her child.

In a 49-page ruling issued last week, Terry Spear, a hearings officer with the state Department of Labor and Industries, found that employees with the Child and Family Services Division of the Montana Department of Public Health and Human Services violated state anti-discrimination laws when they began an investigation without good cause into whether Geri Glass could properly care for her newborn son.



Quadriplegic Geri Glass kisses her son in Livingston in this Feb. 9, 2005, file photo. Glass is confined to a wheelchair and wants to care for her son herself.



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Glass, 29, was injured in a 1996 car crash and uses a wheelchair, but has partial use of her arms and hands. She filed the discrimination and retaliation complaint with the Montana Human Rights Bureau in April 2005. A hearing was held in April 2006.

Glass said Wednesday that she is relieved by the ruling and hopes the state agency "gets a little respect for people." "The treatment was pretty much, 'You do as we say or we're taking your son,'" Glass said. "Finally, after a year and a half, there are some grounds where they can't mess with me anymore." Tim Kelly, Glass' attorney, said he plans to file for damages against the state agency for trauma and emotional distress.

Jon Ebelt, a spokesman for the agency, said its administration and legal staff are reviewing the ruling. Glass said that when her son, Gage, was a newborn, state Child and Family Services workers told her they would take her son if they learned she had been left alone with him.

Spear found state employees retaliated against Glass when she complained their actions were discriminatory. Among Spear's findings were that agency employees made false statements about the extent of Glass' disability, refused to act on her complaints of discrimination and withheld information about how to make a complaint to the agency.

The child welfare workers failed to conduct an independent investigation into Glass' ability to parent, Spear said, and imposed "different and more burdensome requirements on her" than on other parents.

Spear's ruling also noted that the agency's investigation of Glass ended about two weeks after The Billings Gazette published a story about Glass in February 2005.

"The article got the immediate attention of the top administrators at DPHHS," Spear wrote. "In various combinations, they held meetings and exchanged e-mails about Geri and Gage, primarily concerning the public image of DPHHS, without addressing the substance or handling of Geri's discrimination complaint." Spear also found that the agency has failed to properly train its employees in anti-discrimination laws.

Kelly said the upcoming hearing on damages will include an effort to compel the state agency to provide training for its employees on anti-discrimination laws.

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